

**IN THE HIGH COURT FOR THE STATE OF ANDHRA PRADESH
AT AMARAVATI**

W.P.(PIL) NO.

OF 2020

Between:

BC, SC, ST MINORITY STUDENT FEDERATION

...Petitioner

AND

UNION OF INDIA and others

...Respondents

CHECK LIST FOR WRIT PETITION

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ORIGINAL SET

- 1) Proof of Service **1**
- 2) Court Fee **Rs. /-2**
- 3) Writ Petition **3**
- 4) Annexures I & II
- 5) Affidavit
 - a) Averment regarding previous proceedings
(mention Page No. Para No.)
 - b) Averment regarding alternative relief
(mention Page No. Para No.)
- 6) Verification Statement
- 7) Enclosure
- 8) Material Papers **to**
(Duly Indexed P.Series) **to**
- 9) a) Vakalath **Rs. /-**
- b) Power of Attorney/Resolution Authorising
to sue if petition is filed in rep.capacity
- 10) Sheet containing Respondents' Addresses

DUPLICATE SET

- 11) Writ Petition
- 12) Annexures I & II
- 13) Affidavit **to**
- 14) Material Papers **to**

MISCELLANEOUS SET

- 15) Batta **Rs. /-**
- 16) Rule Nisi Forms **Filed**
- 17) Covers with Postal Addresses & Ack.Forms **Filed**
- 18) Copies of Petition and Affidavits
(As many as the No. of the Respondents + 2) **Filed**

19. WRIT PETITION MISC. PETITION

(Filed for)

Petition

Court Fee **Rs. /-**Batta **Rs. /-**Notice Papers, Covers with Postal Addresses and Ack.Forms **Filed**Proforma Draft Interim Order **Filed**


Signature of the Scrutiny Officer

Signature of the Advocate Name:

K. Ashok Reddy
Sahith GV
ADVOCATE

Respondent Vakalat filed by
Counter Filed for Respt.No.
Other Miscellaneous Petitions filed

FOR OFFICE USE ONLY
for Respt.No.

**IN THE HIGH COURT FOR THE STATE OF ANDHRA PRADESH
AT AMARAVATI**

W.P.(PIL) No.

of 2020

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Place: Amaravati
Date: 17.07.2020

Counsel for Petitioner

SERVICE CERTIFICATE

(PROOF OF SERVICE)

We have served the copies of Writ Petition, Affidavit, Writ Petition Miscellaneous Petition(s) and Material Papers on the other side Counsel/Government Pleader.

Place: Amaravati

Counsel for the Petitioner

Date: 17.07.2020

**IN THE HIGH COURT FOR THE STATE OF ANDHRA PRADESH
AT AMARAVATI**

W.P.(PIL) NO. OF 2020

Between:

BC, SC, ST MINORITY STUDENT FEDERATION

...Petitioner

AND

UNION OF INDIA and others

...Respondents

COURT FEE

Date: 17.07.2020

Place: Amaravati

Counsel For The Petitioner

**MEMORANDUM OF WRIT PETITION
(FILED UNDER ARTICLE 226 OF CONSTITUTION OF INDIA)**

**IN THE HIGH COURT FOR THE STATE OF ANDHRA PRADESH
AT AMARAVATHI**

(SPECIAL ORIGINAL JURISDICTION)

W.P.(PIL) No. _____ of 2020

Between:

BC, SC, ST MINORITY STUDENT FEDERATION,
registered Society, under the provisions of Societies
Registration Act, 1860, bearing registration No _____ of
2015, represented by its member,

... Petitioner

And

1. **THE UNION OF INDIA,**
Represented by Home Secretary,
Ministry of Home Affairs, Government of
India, New Delhi.
2. **THE UNION OF INDIA,**
Represented by Secretary, Law and Justice,
Government of India, New Delhi.
3. **THE HIGH COURT OF ANDHRA
PRADESH,**
Nelapadu, Amaravati,
Represented by the Registrar General.
4. **THE STATE OF ANDHRA PRADESH,**
Represented by its Principal Secretary,
Department of Health, Medical & Family
Welfare, Secretariat, Velagapudi, Guntur,
District. Andhra Pradesh.

.... Respondents

The address for the service of all Notices and summons of process of the above name Petitioner is that of his Counsel **K. Ashok Reddy** |, **Sahith GV Advocate** having his office at Hyderabad-500044.

For the reasons stated in the accompanying Affidavit, therefore prayed that the Hon'ble Court may be pleased to issue any order, direction or Writ, one in the nature of Mandamus, to:

- i. Direct the Respondent No.1 to implement its guidelines in true spirit in order to prevent Covid-19 pandemic from spreading further, by its own machinery and State machinery in coordination to function effectively;
- ii. Direct the Respondent No.4 to strictly follow the guidelines issued by Respondent No.1 and their own guidelines by utilizing the State Machinery effectively in order to prevent Covid-19 pandemic from spreading further;
- iii. Direct the Respondent No.3 to strictly follow the guidelines issued by the Respondent No.1, 4, and the Hon'ble Apex Court in order to prevent Covid-19 pandemic from spreading further;
- iv. Direct the Respondent No.4 to declare Respondent No.3 premises as a "Red Zone/Containment Zone" in order to prevent Covid-19 pandemic from spreading further;
- v. Direct the Respondent No. 1 and 2 herein to cause an enquiry to be conducted by a central and neutral agency to enquire into the incidents leading to the untimely death of Late B. Rajasekhar, Registrar General (In-charge) of the Respondent No.3 herein on 24/6/2020, the death of an employee working as Assistant in the V.R. Section and about 30 more employees being tested positive of Covid-19;
- vi. Direct the Respondent No.1 and 2 to consider imposing a strict curfew for at least 2 weeks by drafting para-military forces if need be and by providing necessary mobile medical teams and essential commodity delivery teams in order to prevent Covid-19 pandemic from spreading further and in the interest of all concerned;
- vii. and pass such other order or orders as are deemed fit and proper in the facts and circumstances of the case.

Place: Amaravathi
Date:17.07.2020

Counsel for Petitioner

KURNOOL DISTRICT

**IN THE HIGH COURT FOR THE STATE OF
ANDHRA PRADESH
AT AMARAVATI**

W.P.(PIL) NO. OF 2020

WRIT PETITION (PIL)

**K. Ashok Reddy
Sahith GV
ADVOCATE**

Counsel for The Petitioner

		Ailments, etc. would be treated as vulnerable and they were advised to stay indoors to avoid contracting the virus as the effect of the said virus on such persons could be Fatal.		
2.	2020	That under the Disaster Management Act 2005, the present calamity and catastrophe, caused by COVID-19, comes within the definition of disaster under section 2(d). Under the Act, National Disaster Management Authority and State Disaster Management Authority are supposed to be established under section 3, 14, and 25 respectively. The powers and functions of the said authorities are enumerated under section 6, 18, and 26 respectively. On paper, the said Act takes care of managing the disastrous situations by having the National Disaster Response Force, National Disaster Response Fund, National Disaster Mitigation Fund. The Act also mentions the measures to be taken by the Government for disaster management. The said Act also enumerates the offences and penalties dealing with disaster management. The authorities under the Act, to the knowledge of the petitioners, are not established. And assuming that they are established, to the knowledge of the petitioner, no policies were issued by the said authorities dealing with disaster management. Assuming that the authorities were established and that some policies were taken by them with regard to general disaster management, to the knowledge of the petitioner, no specific policies/plan of action were	5	

		undertaken by the authorities/the Government of India.		
2.	2020	That the State of A.P., in the context of guidelines issued by the Government of India and by invoking the provisions of Epidemic Disease Act 1897, issued various guidelines. In the State of A.P., the situation is no better and for the very same reasons mentioned above, the state machinery also failed in curbing/containing the pandemic. Due to relaxations and lifting up of restrictions on and off by both the Government of India and the State Government of A.P., there is a deterioration of the pandemic situation and cases are increasing at an alarming rate. The dreaded disease is more dangerous than one can imagine, as the infected person is capable of infecting many more people without the knowledge of the concerned	9	
3.	24.06.2020	That due to the visiting of the court premises by the Hon'ble judges, the court staff also had to attend, including the then Registrar General (I/C), Sri B. Rajasekhar, who was suffering with a heart ailment. He suffered a cardiac arrest on 24-06-2020 while on the court premises and expired. It was reported in local newspapers on 25-06-2020 that he was tested positive for COVID-19 and that his death was caused due to complications arising out of being infected by COVID-19	14	
4.	2020	That due to the above tragic mishap, massive testing of Hon'ble judges, court staff, and staff of law officers was undertaken and 30 positive cases of COVID-19 were discovered. Even if the 30 positive cases were taken into account as a correct number, one can imagine how	16	

		much of damage/spreading they must have caused risking the judges, other staff and their families. as well as, their further contacts in a cascading manner. To the knowledge of the petitioner, these primary and secondary contacts have not been tested and therefore, it has been a total failure on the part of the administrative side of the Hon'ble High Court and the State Government of A.P., as well.		
5.	2020	That therefore, it is now pertinent to direct the Respondents to undertake a detailed investigation into the decisions leading to infringement of Article 21, en masse. It is submitted that the Hon'ble Supreme Court in a judgment reported in 2010(3) SCC 571 held that this Hon'ble Court is empowered to order a CBI investigation under Article 226, without the consent of the State Government and this is a fit case to exercise such a power.	19	

ANNEXURE-II

UNDER ARTICLE 226 OF CONSTITUTION OF INDIA

Place: Amaravati
Date: 17.07.2020

COUNSEL FOR THE PETITIONER

**IN THE HIGH COURT FOR THE STATE OF ANDHRA PRADESH
AT AMARAVATI**

W.P.(PIL) No.

of 2020

Between:

BC, SC, ST MINORITY STUDENT FEDERATION,
registered Society, under the provisions of
Societies Registration Act, 1860, bearing
registration No. _____, Office at _____

... Petitioner

And

1. THE UNION OF INDIA,
Represented by Home Secretary,
Ministry of Home Affairs, Government of
India, New Delhi.
2. THE UNION OF INDIA,
Represented by Secretary, Law and Justice,
Government of India, New Delhi.
3. THE HIGH COURT OF ANDHRA PRADESH,
Nelapadu, Amaravati,
Represented by the Registrar General.
4. THE STATE OF ANDHRA PRADESH,
Represented by its Principal Secretary,
Department of Health, Medical & Family
Welfare, Secretariat, Velagapudi, Guntur,
District. Andhra Pradesh.

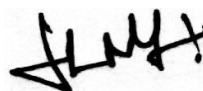
.... Respondents

AFFIDAVIT FILED ON BEHALF OF THE WRIT PETITIONER

I, _____

do hereby solemnly affirm and state as follows:

It is submitted that I am the member, Kurnool District of the Petitioner
Federation herein and I am authorized to depose this affidavit on behalf of the



Petitioner herein and as such I am well acquainted with the facts of the case. The certificate of registration of Petitioner Association is filed as **Annexure -P1**. the Pan Card of the Petitioner and Pan Card of the deponent is herewith filed as **Annexure-P2 and P4**. Aadhar Card of the Deponent is filed as **Annexure-P3**.

1.PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE PETITION (PIL) IS MADE:

1. I am filing the present Writ Petition as Public Interest Litigation invoking the Jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India, in the wake of the Covid-19 Pandemic for the enforcement of fundamental rights of the citizens as enshrined under Article 14, 19 and 21 of the Constitution of India seeking directions to be issued to the Respondent No.1, 2, 3, and 4 to strictly implement the/their own guidelines and to introduce more strict and foolproof guidelines and to implement them in true letter and spirit in order to prevent the Covid-19 pandemic from spreading further, and also seeking a direction or enquiry into the incidents incidents leading to the untimely death of Late B. Rajasekhar, Registrar General (In-charge) of the Respondent No.3 herein on 24/6/2020, the death of an employee working as Assistant in the V.R. Section, and also about the surge in the Covid-19 Cases within the precincts of the Respondent No.3, wherein to the knowledge of the Deponent, more than 30 positive cases have been reported due to lack of a clear policy/guidelines issued by the Respondent No.3 on its Administrative side and failure to follow the guidelines issued by Respondent No. 1, 4, and the Hon'ble Apex Court strictly and also to direct the Respondent No.4 to declare the Respondent No.3 premises as a "Red Zone/Containment Zone" in order to prevent Covid-19 pandemic from spreading further. The facts which are bearing in the Petition are set out hereunder.

2.PARTICULARS OF THE PETITIONER:

1. The Petitioner's Organization does not have an Aadhar Card and the PAN Card No. of the Petitioner's Organization is AAIAA9622K. The Petitioner Association is a registered Organization working for securing the constitutional rights and social justice for the deserving under the Constitution of India. A copy of PAN Card of Petitioner's Organization is herewith filed as **Annexure-P2**.

2.1. LOCUS STANDI:

1. The deponent is a citizen of India and a social worker. The Deponent has dedicated his life to social service to the public at large and is deeply concerned with the spread of Covid-19 Pandemic. The deponent is deposing on behalf of the Petitioner. The Deponent has no personal interest or benefit in the instant litigation and neither the Petitioner organization nor the Deponent herein is guided by self-gain or any gain for any other person/institution/body and there is no motive other than public interest in filing the instant public interest litigation. The Petitioner has no private interest in this litigation. It is submitted that the petitioner/deponent is not involved in any civil, criminal or revenue litigation in any capacity before any Court or Tribunal.
2. The Petitioner herein has not sent any representation to the Respondents herein, that the instant Writ Petition is based on the information and/or documents which are in public domain. (That the Centre, vide Order and Guidelines dated 30.05.2020, has extended the lockdown in containment zones up to 30.06.2020 and in areas outside containment zones, prohibited activities are being allowed to open in a phased manner. It is pertinent to mention herein that the initial National Lockdown has been extended on 14.04.2020, 01.05.2020 and 17.05.2020 with variance in the measures each time. A copy of the Order and Guidelines, dated

30.05.2020, issued by the Ministry of Home Affairs of the Government of India is annexed hereto and marked as **Annexure-P6**).

3.FACTS IN BRIEF:

The brief facts leading to the filing of this writ petition are as follows:

1. That the words pandemic, COVID-19, Corona, and Quarantine, in recent times, have become part of the vocabulary of the vernacular, as well as, the most important part of life for the people across the world regardless of their station or status in life. The people living on the planet today have never ever experienced anything of this kind, in as much as, the last time such a pandemic situation arose was about 100 years ago. We have heard about different outbreaks of diseases in the recent past causing death of large numbers of people. But the present disease (COVID-19) would squarely fall under the meaning “pandemic”, in as much as, the said disease affected large number of people across the world, and it is continuing to grow and spread its tentacles to unreached places and people. It is a matter of great and grave concern for the entire human race, as there is no vaccination or cure invented as yet, more so as the said disease is highly contagious, thereby making the present pandemic more dangerous to the human life. As there is no cure and the treatment being basic and only to boost the immune system, the best way to avoid the spread of this disease is to prevent it at the outset. In other words, as the adage goes, prevention is the best cure for this disease. This disease attacks the new victim/host by human contact or through surface to human. This disease has been a great leveler and is known to have no bias/preference since it affects all in its course irrespective of gender, age, race, community, or status. What we heard about this disease is that it started in China in the latter part of 2019 and the beginning of 2020. It started showing its traces in our country on account of allowing international travel. Admittedly, this disease did not originate in our

country and was imported through international travelers, whether of Indian origin or foreign nationals. In actuality, the Government of India could have restricted International travel and stopped allowing flights from across the world at a very initial stage. Such international travelers were not properly scanned/tested for COVID-19 and were also allowed to merge and mingle with the population of our country without proper measures. If only, the Government of India became alert at the first alarms of WHO (World Health Organization) about the possible danger of the spread and outbreak of this disease through international travel and took positive policy decisions, the country would have averted the present alarming situation.

2. That, secondly, the international travels were not only allowed and ushered in by the Government of India, but also were allowed to go to their respective destinations without properly testing whether each traveler landing in/entering our country is COVID positive or negative, without quarantine (another word of the vernacular in the recent times) for those tested positive. The Government of India either allowed many infected persons, letting them merge with the populace or in some cases, ordered home-quarantine, which word/expression is an oxymoron. It is too much on the part of the Government of India to expect the suspected people to maintain home-quarantine, since disobeying the rules/procedures is a norm in the present-day scenario in our country.
3. That, in the meanwhile, WHO released various guidelines to deal with the present dreadful pandemic. The present situation could have been avoided or even contained, only if the guidelines of WHO were adhered to. Such various Guidelines are herewith filed as **Annexure P7, P8, P9, P11 and P12.**

4. That when things were going out of control/haywire, on 24th March 2020, the Respondent No.1 imposed a Country Wide Lockdown as a counter measure to tackle the COVID-19, Commonly referred to as the Corona Virus, Pandemic in the Country. At any rate, the imposition of the lockdown was also flawed. Due to such imposition of lockdown, the migrant laborers moved across the length and breadth of the country on foot, walking hundreds of kilometers as there was no transportation facilities, expected to be provided by the Government. The need of the hour to maintain social distance, maintain hygiene, and have nutritious food to boost the immunity were given a go-by among these migrants, as well as, the common populace leading to COVID-19 having a free rein in our country. All through the lockdown, it was made clear by the Central Government and the State Governments, on the advice of medical and health professionals, that Children below the age of 10 years, Senior Citizens above the age of 65 years and persons with comorbidities i.e., people suffering from ailments ranging from Diabetes, Blood Pressure, Asthma or any Heart Ailments, etc., would be treated as vulnerable and they were advised to stay indoors to avoid contracting the virus as the effect of the said virus on such persons could be Fatal. Despite such recognized danger for children and senior citizens, they were allowed to migrate along with the migrant laborers across the country. The Government of India could have given atleast 2 days of time to the people of the country that there is going to be an imposition of strict lockdown and to enable the people to reach their respective destinations/hometowns or places of their relatives/loved ones by providing robust transportation facilities. This could have avoided the surge of travel by poor migrant laborers on foot in the heat (month of May) and could have avoided the eventual spread of the disease across the country. This 48-hour notice would also have enabled people to get ready for such strict

lockdown. Not only, large number of people were put to untold misery, but also transported the virus across the country.

5. That under the Disaster Management Act 2005, the present calamity and catastrophe, caused by COVID-19, comes within the definition of disaster under section 2(d). Under the Act, National Disaster Management Authority and State Disaster Management Authority are supposed to be established under section 3, 14, and 25 respectively. The powers and functions of the said authorities are enumerated under section 6, 18, and 26 respectively. On paper, the said Act takes care of managing the disastrous situations by having the National Disaster Response Force, National Disaster Response Fund, National Disaster Mitigation Fund. The Act also mentions the measures to be taken by the Government for disaster management. The said Act also enumerates the offences and penalties dealing with disaster management. The authorities under the Act, to the knowledge of the petitioners, are not established. And assuming that they are established, to the knowledge of the petitioner, no policies were issued by the said authorities dealing with disaster management. Assuming that the authorities were established and that some policies were taken by them with regard to general disaster management, to the knowledge of the petitioner, no specific policies/plan of action were undertaken by the authorities/the Government of India.
6. That the Government of India issued some kind of hotchpotch policy under Section 6(2)(a) of the above Act. The said act is filed as **Annexure P14** herein. Moreover, the Government of India has been extending the lockdown, from time to time, with certain relaxations and restrictions. Despite such policy of lockdown, the number of affected persons has been increasing exponentially day by day across the country proving that there is a total failure on the part of the Government of India to come out with a proper and a strict policy, and/or in implementing the lockdown with strict

compliance. The soft-peddalling and these soft policies would be of no avail, in as much as, if the pandemic has to take downward graph, the authorities are expected to take swift and harsh steps otherwise it is leading to an uncontrollable situation.

7. That even in the most advanced countries, it is noticed across the world that the medical facilities, despite being top-notch and sophisticated, failed to cope up with the insurgence of the said pandemic, as the said developed countries did not deal with the situation promptly and aptly. The Government of India should have learnt the lesson from such failures by the developed countries and should have taken more stringent precautionary steps, such as imposing strict curfew and drafting para-military forces, more so, in light of the size of the population of our country, coupled with the fact that there is a lack of robust medical paraphernalia and facilities. Instead of continued lockdown for months on end with certain relaxations from time to time, compliance of no human to human contact could have been imposed with proper policy of strict lockdown/curfew by making available mobile medical teams so that they can assess the need of hospitalization of COVID and non-COVID patients. The Government of India failed in its duty to provide proper treatment to COVID patients leading to a situation where people are scared to report the symptoms to the authorities and in the process contaminating others. The Government of India failed in its duty to give its citizens the confidence that when they are quarantined without contact with their family members, they will be properly taken care of. Imposing strict lockdown, on one hand, and providing mobile medical teams by giving helpline numbers area-wise, on the other hand, would make the identification of COVID affected persons easy rather than identifying them randomly. The Government of India could have also arranged for delivery of essential commodities/goods through delivery teams area-wise to avoid people flocking out during relaxation time. Following such procedures would have

brought down the increase of cases drastically, if not totally. Therefore, it is submitted that the Respondent No.1 and 4 herein may consider a strict curfew for a period of 2 weeks to effectively prevent the spread of Covid-19 pandemic and can form 3 teams i.e., (1) Paramilitary Team to effectively implement the guidelines, (2) a Team to assist and help the identified COVID-19 patients and (3) a Team to look after the essential services required by the citizens.

8. That to the knowledge of the petitioner, there is no proper coordination by the Government of India with the concerned State Governments/Union Territories in curbing the pandemic. All in all, our country is ranking number 3, with regards to the number of tested COVID positive cases. Actually, it is a case of total disaster of disaster management.
9. That the State of A.P., in the context of guidelines issued by the Government of India and by invoking the provisions of Epidemic Disease Act 1897, issued various guidelines. In the State of A.P., the situation is no better and for the very same reasons mentioned above, the state machinery also failed in curbing/containing the pandemic. Due to relaxations and lifting up of restrictions on and off by both the Government of India and the State Government of A.P., there is a deterioration of the pandemic situation and cases are increasing at an alarming rate. The dreaded disease is more dangerous than one can imagine, as the infected person is capable of infecting many more people without the knowledge of the concerned. The Epidemic Disease Act, 1897 is filed as **Annexure P15** herein.
10. That WHO, the Government of India, and State Government to bring about new normalcy and to bring back the work force to their respective workplaces, issued guidelines so that the World (and the country) can limp back to a semblance of normalcy in a phased manner, of course by following the necessary precautions. The said guidelines emphasized on

the need to take abundant measures/precautions so that the work force can be saved from being infected and also to avoid the spread of the disease from the infected persons to the general public in a cascading manner. Though guidelines to be followed in the workplace, issued by the Government of India and the State Government of A.P., under WHO guidelines, may look foolproof on paper, due to lack of proper implementation of the said guidelines, there is a total chaos which is one of the causes for the further spread of this dreaded disease. The said Guidelines issued by WHO is filed as **Annexure P16** herein.

11. That in so far as the functioning of Courts across the country for dispensation of justice in the context of this pandemic is concerned, the Hon'ble Apex Court vide its order dated 06-04-2020 in Suo-Motu Writ (civil) no. 5 of 2020 filed as **Annexure P5**, noticing the need to preserve the rule of law as envisaged by the Constitution of India and to preserve the constitutional commitment to provide access to justice, thought it essential to issue guidelines by exercising powers conferred on it under Article 142 of Constitution of India. A reading of the guidelines would enumerate that there has to be a balance between access to justice and prevention of this dreadful disease. Such guidelines were issued to prevent the spread of disease in the process of delivering justice and to protect the public in general, as well as, judges, lawyers, court staff, para-legal personnel, litigant, media personnel, and other visitors. The first guideline of the guidelines of the Hon'ble Supreme Court is to reduce the physical presence of all stakeholders within the court premises. The emphasis by the Hon'ble Apex Court is to maintain social distance and keep the physical presence to a bare minimum and to ensure robust usage of technology to enable the courts to function online. All the High Courts and the subordinate Courts are duty bound to follow the above guidelines of the Hon'ble Apex Court. However, the following narration would show that the Hon'ble High Court of A.P., on the administrative side, failed to follow

the guidelines issued by WHO, the Government of India, and the State Government of A.P., with regards to the measures to be taken to prevent the spread of this disease at workplaces. Further, the Hon'ble High Court of A.P. on the administrative side failed to follow the guidelines issued by the Hon'ble Apex Court under Article 142 of Constitution of India in the matter of functioning of the Courts in the State in general and functioning of the Hon'ble High Court in particular.

12. That in the context of various guidelines issued by various authorities including the Hon'ble Apex Court, the Hon'ble High Court of A.P. has been conducting its judicial work through e-filing and video-conference hearing. In view of such new procedure conducted online, Advocates, paralegal staff (clerks, stenos, etc.), litigants, and visitors are kept away from visiting the Court premises. However, the Hon'ble Judges and staff were attending the Hon'ble High Court and were forced to perform their duties in utter disregard to social distancing. Unlike other workplaces where social distancing is possible among the colleagues, it is highly impossible to maintain social distancing while undertaking the judicial work if there is physical presence of court staff and judges under one roof. As directed by the Hon'ble Apex Court, robust usage of technology should have been adopted so that all concerned can work from their respective homes without there being any physical contact. However, this was not followed, and staff were ordained to attend their functions on rotation basis.
13. That 3 Judges were sworn-in to adorn the High Court judgeship of the Hon'ble High Court of A.P. on 02-05-2020. Though arrival of/appointment of 3 new judges to the Hon'ble High Court of A.P. is a welcome sign, the way in which the swearing-in ceremony was undertaken on 02-05-2020 amounts to total negation of the concept of social distancing. The said swearing-in ceremony took place in the presence of all the existing judges, huge number of court staff, and advocates in a packed courtroom. This

was in total violation of the guidelines issued by WHO, the Government of India, the State Government of A.P., and the Hon'ble Apex Court in dealing with the norms to be followed at the workplace and in the courts as the case may be.

14. That due to the visiting of the court premises by the Hon'ble Judges, the court staff also had to attend, including the then Registrar General (I/C), Sri B. Rajasekhar, who was suffering with a heart ailment. He suffered a cardiac arrest on 24-06-2020 while on the court premises and expired. It was reported in local newspapers on 25-06-2020 that he was tested positive for COVID-19 and that his death was caused due to complications arising out of being infected by COVID-19, the said newspaper article is filed as **Annexure P10**.
15. That in the wake of the death of Sri B. Rajasekhar, the functioning of the Hon'ble High Court was suspended on 24-06-2020 and the situation has been the same since. Only very, very urgent matters are being permitted and the sittings are confined only to a few judges to take up such limited matters. This itself would show that this was a failure on the part of the administrative side of the Hon'ble High Court in dealing with COVID-19.
16. That due to the above tragic mishap, massive testing of Hon'ble Judges, court staff, and staff of law officers was undertaken and about 30 positive cases of COVID-19 were discovered. Even if the 30 positive cases were taken into account as a correct number, one can imagine how much of damage/spreading they must have caused risking the Judges, other staff and their families. as well as, their further contacts in a cascading manner. To the knowledge of the petitioner, these primary and secondary contacts have not been tested and therefore, it has been a total failure on the part of the administrative side of the Hon'ble High Court.

17. That though the judges require clerical assistance and the assistance by subordinate staff in normal circumstances, in the present scenario, such assistance should be reduced to a bare minimum, if not nil, just the way advocates are able to manage the consultation, filing of cases and arguing without social contact by doing all the work online. The same would have to be adopted to the Judges as well, for the safety of Judges, as well as, the court staff. The visiting of the Hon'ble Judges, clerical staff, fourth-grade employees including drivers, to the premises of the Hon'ble High Court, gave a go-by to the concept of social distancing and thereby causing the above tragic death of the senior most administrative officer/CEO of the Hon'ble High Court, besides several other people being infected and tested positive for COVID-19. It is necessary to add that out of the several staff tested positive, one assistant in V.R. section expired recently, and 2 others were in critical condition, who recovered god willing. The non-implementation of the guidelines by the administrative side of the Hon'ble High Court led to the premises of the Hon'ble High Court becoming a hot spot for COVID-19. The violation of guidelines mentioned above led to not only 2 deaths and several positive cases of COVID-19, but also, put into risk the Hon'ble Judges, other court staff and their families. Moreover, this violation interfered with the proper functioning of the Hon'ble High Court from maintaining the rule of law and from the delivery of justice to the public. This could have been avoided if only the administrative side of the Hon'ble High Court followed the guidelines mentioned above, and if only the State Government of A.P., and the Government of India monitored the implementation of the guidelines.
18. That the life of a human is precious, be it an attender or a highly placed officer/constitutional authority. Death of a high-ranking judicial officer cannot be underplayed. The guidelines issued under Disaster Management Act 2005 and/or Epidemic Diseases Act 1897 issued by the concerned authorities shall not be flouted/underplayed, more so, in the

present dangerous pandemic situation. As this would lead to a greater risk to the life and limb of the concerned people connected with flouter. Such flouters are liable for necessary action under the above 2 enactments, besides action under Section 188 of IPC. As the State Police would not be exercising its power unbiasedly against the state machinery and/or the administrative side of the Hon'ble High Court, it is desirable that the matter be referred to any central neutral agency or the Home Ministry for proper and unbiased enquiry for the ends of justice. This will enable not only strict compliance of the guidelines to avoid the spread of COVID-19, but also preserve the health/life of Hon'ble judges, staff, and their families. More importantly, it will avoid repetition of the above-mentioned tragic mishaps and ensure careful and balanced functioning of this Hon'ble Court on judicial side which would upkeep the constitutional commitment of maintaining the rule of law and delivery of justice.

19. That, therefore, it is now pertinent to direct the Respondents to undertake a detailed investigation into the decisions leading to infringement of Article 21, en masse. On legal advise, it is submitted that this Hon'ble Court is empowered to issue appropriate direction to cause an enquiry into the above episodes by a neutral agency including CBI. It is submitted that the Hon'ble Supreme Court in a judgment reported in 2010(3) SCC 571 held that this Hon'ble Court is empowered to order a CBI investigation under Article 226, without the consent of the State Government and this is a fit case to exercise such a power.
20. That it is needless to mention herein that the facts narrated herein above clearly emphasize that there is more than what meets the eye in the present facts situation, which has led to death of High Ranking Judicial Officer. It is therefore just and necessary to direct the central agency to conduct a detailed enquiry into the said situation.

21. That it has also led to serious speculation on the causes and reasons leading to the untimely death of the Registrar General and there were newspaper reports about an Organization taking it up on the national scale in regard to various alleged irregularities in the functioning of the High Court. He allegedly died due to mental stress, being a heart patient, cause by the extra work thrust upon him by the Hon'ble High Court on the administrative side. However, the Petitioner is seeking intervention of this Hon'ble Court on Judicial Side for a direction to any central and neutral agency to enquire into the circumstances leading to the death of Sri B. Rajasekhar and thereafter death of an employee working as an assistant in V.R. Section and subsequent events. It is widely published in the newspapers that such avoidable death of the Registrar General (I/C) was squarely due to sabotage of the procedures required to be adopted by the Hon'ble High Court. Obviously the Hon'ble high Court did not give any concern or credence to the morbid health of Registrar General (I/C) and it can be easily perceived that his ill health got aggravated due to the work pressure and the lack of proper precautions at the High Court premises leading to his less immunity and consequential attack of COVID-19. This according to the Petitioner is very insensitive on the part of the Hon'ble High Court on the Administrative side. In the totality of circumstances, it would be just and appropriate that an independent authority shall enquire into the matter so that the truth would come out in its pure form.
22. It is submitted that the present grim situation was completely avoidable but for the sheer disregard for the guidelines as well as lack of empathy towards the staff working in the Hon'ble High Court. The Respondent No. 4 is now duty bound to declare the premises of the Hon'ble High Court as "Red Zone/Containment Zone", in view of the number of cases arising out of the said premises. It is not out of place to mention here that zones which are far less severe than the precincts of the Respondent No. 3 are

declared as Containment Zones to contain the spread of COVID positive cases. In the State of Andhra Pradesh in areas wherein a single death took place, the area is being declared as a containment zone. In more recent events when Bollywood Actor Amitabh Bachchan tested positive his house was declared a Containment area and was sealed. Therefore, it belies reason as to why an area in which 2 persons died of COVID-19, 2 persons are critical, about 30 employees have tested positive continues to function normally and has not being declared a containment zone.

23. That the effort of the petitioner through the present PIL is not to stop the functioning of the Hon'ble High Court and it is only to have the functioning of the court totally through the Internet while preserving the safety of all concerned and to have a win-win situation. The effort of the petitioner is also not to criticize the efforts on the part of various authorities but to enable this Court to issue directions/guidelines so that the spread of the dreaded disease is curbed/contained while bringing back the functions of the authorities to new normalcy by following greater precautions so that the country and democracy can limp back to normalcy in a phased manner.
24. It is submitted that as per the Petitioner's Knowledge and Research, no similar or identical Petition was filed by me or anybody else. Hence, this Writ Petition is being filed.

4.SOURCE OF INFORMATION:

The information furnished by the Petitioner in this Petition has been gathered from the newspapers and media & well-known primary sources and personas and therefore the petitioners believes it to be true.

5.NATURE AND EXTENT OF INJURY CAUSED/APPREHENDED:

The Petitioner believes that the cause and spread of Covid-19 in this Hon'ble Court has led to Two Deaths and about 30 positive Covid-19 Cases.

6.ANY REPRESENTATION MADE:

No representation has been made submitted by the petitioner herein to any of the respondents herein, since there is urgency in the matter.

7.DELAY, IF ANY:

There is no delay in filing the instant PIL.

8.DOCUMENTS RELIED ON:

Copy of the news item, dated 27.06.2020, Judgment of the Hon'ble Supreme Court of India, reported in 2020 SCC Online 355 and other relevant documents are filed herewith along with the copies of the petitioner's Aadhar and PAN Card. **Annexure-P6** Covid Order – 33 issued issued by the Ministry of Home Affairs of the Government of India, **Annexure-P7** Updated Containment Plan for Large outbreaks issued by Ministry of Health and Family Welfare, GOI, **Annexure-P8** A copy of the Order and Guidelines, dated 30.05.2020, issued by the Ministry of Home Affairs of the Government of India, **Annexure-P9** SOP on preventive measures to contain Covid-19 spread in Offices issued by Ministry of Health and Family Welfare, GOI, **Annexure-P10** The news report dated 27.06.2020, **Annexure-P11** revised guidelines for Home Isolation issued by Ministry of Health and Family Welfare, GOI, **Annexure-P12** Guidelines on use of Masks by public issued by Ministry of Health and Family Welfare, GOI.

9.MAIN RELIEF PRAYER IS AS FOLLOWS – W.P.(PIL):

It is therefore prayed that the Hon'ble Court may be pleased to issue any order, direction or Writ, one in the nature of Mandamus, to:

- i. Direct the Respondent No.1 to implement its guidelines in true spirit in order to prevent Covid-19 pandemic from spreading further, by its own machinery and State machinery in coordination to function effectively;
- ii. Direct the Respondent No.4 to strictly follow the guidelines issued by Respondent No.1 and their own guidelines by utilizing the State Machinery effectively in order to prevent Covid-19 pandemic from spreading further;
- iii. Direct the Respondent No.3 to strictly follow the guidelines issued by the Respondent No.1, 4, and the Hon'ble Apex Court in order to prevent Covid-19 pandemic from spreading further;
- iv. Direct the Respondent No.4 to declare Respondent No.3 premises as a "Red Zone/Containment Zone" in order to prevent Covid-19 pandemic from spreading further;
- v. Direct the Respondent No. 1 and 2 herein to cause an enquiry to be conducted by a central and neutral agency to enquire into the incidents leading to the untimely death of Late B. Rajasekhar, Registrar General (In-charge) of the Respondent No.3 herein on 24/6/2020, the death of an employee working as Assistant in the V.R. Section and about 30 more employees being tested positive of Covid-19;
- vi. Direct the Respondent No.1 and 2 to consider imposing a strict curfew for at least 2 weeks by drafting para-military forces if need be and by providing necessary mobile medical teams and essential commodity delivery teams in order to prevent Covid-19 pandemic from spreading further and in the interest of all concerned;
- vii. and pass such other order or orders as are deemed fit and proper in the facts and circumstances of the case.

10.INTERIM RELIEF PRAYED – I.A.:

- (i) Pending disposal of the Writ Petition it is humbly prayed to direct the 1st respondent / Government of India to implement the guidelines issued by them and coordinate with the State Government of AP i.e., Respondent No.4 herein to implement the same in true spirit and pass such other orders as are deemed fit and proper in the facts and circumstances of the case.
- (ii) Pending disposal of this WP it is humbly prayed that this Hon'ble Court may be please to direct the State Government of AP i.e., Respondent No.4 herein to implement the guidelines issued by the Government of India and their own guidelines in so far as State of Andhra Pradesh is concerned in true spirit and pass such other orders as are deemed fit and proper in the facts and circumstances of the case.
- (iii) Pending disposal of this WP it is humbly prayed that this Hon'ble Court may be pleased to direct the 1st Respondent i.e. Government of India and/or the 4th Respondent i.e. Government of A.P. to consider imposition of curfew by drafting paramilitary forces if necessary atleast for a period of two weeks by providing necessary mobile medical and essential commodity teams and to curb the spreading of Covid-19 in the Country and pass such other orders as are deemed fit and proper in the facts and circumstances of the case.
- (iv) Pending the disposal of the W.P., it is prayed that this Hon'ble Court may be pleased to direct the Respondent No.4 to declare the premises of the Respondent No.3 as "Red Zone/Containment Zone", in view of the spike in the number of Covid-19 positive Cases on the said premises and pass such other order or orders as are deemed fit and proper in the facts and circumstances of the case.

- (v) Pending the disposal of the W.P., it is prayed that this Hon'ble Court may be pleased to direct the 4th respondent to forthwith conduct tests on all the primary as well as secondary contacts of Late B. Rajasekhar, the then Registrar General (In-charge) and the other employees of the Respondent No.3 herein as well as other persons who have tested positive for Covid-19, in view of the spike in the number of Covid-19 positive Cases and pass such other order or orders as are deemed fit and proper in the facts and circumstances of the case.
- (vi) Pending the disposal of the W.P., it is prayed that this Hon'ble Court may be pleased to direct the 3rd Respondent to implement the guidelines issued by Respondent No. 1 and 4 with regard to workplace and also the directions of the Hon'ble Apex Court in this regard to enable the Hon'ble High Court to function effectively and to contain the spread of the dreaded disease and pass such other order or orders as are deemed fit and proper in the facts and circumstances of the case.

Sworn and signed Before me on this the
17th day of July, 2020
at Vijayawada.

DEPONENT

Before Me

Advocate::Vijayawada